

Appl. No. 09/800,645
Amdt. dated August 24, 2004
Reply to Office Action of June 17, 2004

REMARKS/ARGUMENTS

In response to the Office Action mailed June 17, 2004, Applicants offer the following remarks to overcome the grounds for rejection.

Claims 1-6, 8-19, 22-33 and 77-79 are pending in this application. Claims 7, 20-21 and 34 were previously cancelled. Claims 35-76 have been previously withdrawn from consideration.

In response to the Examiner's closing remarks relative to Applicant's previous amendment, independent claims 1 and 22 have been amended to specify that the chemically treated web is dispersed in water and that the water is drained from the fibers. The resulting fibers retain from about 10 to about 100 percent of the applied amount of chemical additive. This clarification is supported by the Examples and Table 1, where the chemically treated pulp mat was dispersed in water and the water was drained. The amount of chemical retained by the fibers was determined by difference by measuring the amount of chemical in the drained water and comparing that amount to the initial added amount. (See, for example, page 25, lines 20-27.)

Dependent claims 2 and 23 have also been amended simply to reflect the amendments to independent claims 1 and 22, respectively.

Directing attention to the grounds for rejection, claims 1-2, 4-5, 8-15, 18-19, 22-23, 25, 27-33 and 77-79 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 6,344,109 to Gross. However, as pointed out in Applicants' Amendment C, Gross does not disclose that the treated fibers are redispersed in water and it is not inherent that the chemical softening agents disclosed by Gross would be retained by the treated fibers if they were dispersed in water. As such there is no anticipation of the rejected claims. The retention of 90 percent of the applied chemical mentioned in the rejection is merely the chemical retention after drying the treated pulp sheet and is not the same retention being claimed by Applicants. This reflects a fundamental difference in purpose between Applicants' invention and the pulp treatment disclosed by Gross. As previously argued, Gross pertains to producing fluff pulp for absorbent cores in personal care products and does not teach anything about tissue making. Gross is seeking to enhance the formation and properties of fluff pulp, which is a dry process. In contrast, Applicants are seeking to treat pulp that is to be used for making paper or tissue sheets, which is a wet process. Therefore the chemical retention needs are very different. Therefore Gross does not anticipate either independent claim 1 or 22 as amended and, consequently, all of the dependent claims are also not anticipated.

Appl. No. 09/800,645
Amdt. dated August 24, 2004
Reply to Office Action of June 17, 2004

Claims 16-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gross. However, without addressing the specific subject matter of these claims, they are believed to be patentable as being dependent from a patentable independent claim as discussed above.

Claims 3, 6, 24 and 26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gross in view of U.S. 3,556,931 to Champaigne. Without passing upon the merits of this rejection, these claims are believed to be patentable as being dependent from a patentable independent claim (claims 1 and 22, respectively) for the reasons discussed above.

Therefore it is believed that this application is now in condition for allowance and such action is earnestly solicited.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: (920) 721-3616.

Respectfully submitted,

T. M. RUNGE ET AL.

By: _____

Gregory E. Croft
Registration No.: 27,542
Attorney for Applicant(s)

CERTIFICATE OF FACSIMILE TRANSMITTAL

I, Judy Garot, hereby certify that on August 24, 2004 this Amendment D is being transmitted by facsimile to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, fax no. (703) 872-9306.

By: _____

Judy Garot